

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ELIZABETH A. PETERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:09-CV-319
	)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. on July 16, 2010 [Doc. 18]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The magistrate judge recommended that defendant Commissioner's motion for summary judgment [Doc. 15] be granted, and that plaintiff's motion for summary judgment [Doc. 11] be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court agrees with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 18]. Additionally, it is **ORDERED** that the Commissioner's motion for summary judgment [Doc. 15] be **GRANTED**, and that plaintiff's motion for summary

judgment [Doc. 11] be **DENIED**. Defendant Commissioner's decision in this case denying plaintiff's application for benefits is **AFFIRMED**. This case is **DISMISSED**. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE